

Attorney Docket No.: GBR-100-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Groth et al.
Serial Number: 10/780,006
Filed: Feb. 17 2004
Group Art Unit: 3637
Confirmation No. 9572
Examiner: Upton, Christopher
Title: **GUTTER LINING METHOD AND INSERT APPARATUS
INCORPORATING POROUS NON-WOVEN FIBER MATTING**

DECLARATION UNDER 37 C.F.R. 1.132

I, Brian Groth, do hereby depose and state as follows:

1. I am one of the named inventors of the above-identified patent application.
2. I recently requested Mr. Philip Rufe, of Eastern Michigan University's School of Engineering Technology, to perform an experiment in which the fluid flow rates of a number of materials were compared to one another, under comparable test conditions. The results of the described comparison test are attached hereto as Exhibit A.
3. The results of the described comparison test show that aggregate fiber material, of a type described and claimed in the above-identified patent application, allowed water to flow therethrough at a rate which is significantly superior to the flow rates of the other materials tested. The tested aggregate material included a plurality of filaments having open interstices defined therebetween, with a binder affixing selected areas of the filaments to one another.
4. While it was expected that the aggregate fiber material would demonstrate superior flow characteristics, the extent of the difference in flow rate between the materials was surprising and unexpected.

P. 1

5. It is my understanding and belief that the test described in Exhibit A shows that polyurethane foam and the aggregate filter material are not equivalent materials, and are not interchangeable.

I hereby declare that all statements made herein on my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Brian Groth

2-24-05
Date

P. 2